

THOMAS M. MCINERNEY, State Bar No. 162055  
tom.mcinerney@ogletreedeakins.com

CHRISTOPHER M. AHEARN, State Bar No. 239089  
chris.ahearn@ogletreedeakins.com

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300

One Market Plaza  
San Francisco, California 94105

Telephone: (415) 442-4810

Facsimile: (415) 442-4870

Attorneys for Defendant, Counter-Claimant and Cross-Claimant  
WELLS FARGO BANK, N.A., and Defendant the LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT DOLLAR PLAN

MARK H. LIPTON, CA State Bar No. 51010  
NEYART, ANDERSON, FLYNN, & GROSBOLL  
1380 Lead Hill Blvd., Ste. 106  
Roseville, CA 95661  
Telephone: (916) 652-2221

Attorneys for Plaintiff and Counter-Defendant LESLIE LANNA  
and Cross-Defendants NICOLE LANNA and JAMIE LANNA

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LESLIE LANNA, an individual,

Plaintiff,

v.

WELLS FARGO BANK, N.A. the appropriate  
named fiduciary of the LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT DOLLAR  
PLAN, LIFE INSURANCE ENDORSEMENT  
METHOD SPLIT DOLLAR PLAN

Defendants.

Case No. CV 093432 SC

**JOINT STIPULATION BY LESLIE  
LANNA, NICOLE LANNA, JAMIE  
LANNA, WELLS FARGO BANK, N.A.,  
AND THE LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT  
DOLLAR PLAN TO CONTINUE 12-4-2009  
CASE MANAGEMENT CONFERENCE;  
AND**

**~~[PROPOSED]~~ ORDER**

Complaint Filed: July 27, 2009

Trial Date: None Set

WELLS FARGO BANK, N.A. the appropriate  
named fiduciary of the LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT DOLLAR  
PLAN and of the EXECUTIVE  
SUPPLEMENTAL COMPENSATION  
AGREEMENT,

Counter-Claimant,

v.

LESLIE LANNA,

Counter-Defendant.

WELLS FARGO BANK, N.A. the appropriate  
named fiduciary of the LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT DOLLAR  
PLAN and of the EXECUTIVE  
SUPPLEMENTAL COMPENSATION  
AGREEMENT,

Cross-Claimant,

v.

CATHERINE LANNA, NICOLE LANNA,  
AND JAMIE LANNA,

Cross-Defendants.

IT IS HEREBY STIPULATED by and between Plaintiff and Counter-Defendant Leslie Lanna (“Leslie Lanna”), Cross-Defendants Nicole Lanna (“Nicole Lanna”) and Jamie Lanna (“Jamie Lanna”), Defendant, Counter-Claimant and Cross-Claimant Wells Fargo Bank, N.A. (“Wells Fargo”), and Defendant the Life Insurance Endorsement Method Split Dollar Plan (the “Plan”), (collectively, the “Parties”), and their respective counsels of record, that the following Stipulation may be entered to give effect to the stipulations set forth below pursuant to Civil L.R. 16-2(e).

WHEREAS, pursuant to the Court’s October 8, 2009 notice (Docket No. 9), an initial Case Management Conference in this action is currently scheduled for December 4, 2009 at 10:00 a.m.;

WHEREAS, on October 9, 2009, Wells Fargo and the Plan filed a responsive pleading, Docket No. 10 (the “Answer”), in which Wells Fargo added a counterclaim against Leslie Lanna, and cross-claims against Catherine Lanna, Nicole Lanna and Jamie Lanna;

WHEREAS, neither Nicole Lanna, Jamie Lanna, nor Cross-Defendant Catherine Lanna

1 (“Catherine Lanna”) have accepted service of the Answer;

2 WHEREAS, the Parties, in addition to Catherine Lanna, are currently engaged in  
3 discussions regarding the amendment of the Answer and complaint, and possible settlement, and  
4 they wish to have additional time to meet and confer in advance of the December 4, 2009 Case  
5 Management Conference regarding these issues;

6 WHEREAS, Catherine Lanna is currently represented by John P. Robertson II of the law  
7 firm of Jennings, Strouss and Salmon in Phoenix, Arizona;

8 WHEREAS, the undersigned are informed by Mr. Robertson that Catherine Lanna is  
9 currently undertaking efforts to retain counsel who is admitted to the bar of this Court;

10 IT IS THEREFORE STIPULATED by and between the Parties that the Court should  
11 continue the December 4, 2009 Case Management Conference to December 11, 2009 at 10:00  
12 a.m., or such other later date and time as may be convenient for the Court.

13 IT IS SO STIPULATED ON THE DATES INDICATED BELOW.

14 DATED: November 13, 2009

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

15  
16  
17 By: /s/ Christopher M. Ahearn  
Christopher M. Ahearn  
18 Attorneys for Defendant, Counter-Claimant, and  
19 Cross-Claimant WELLS FARGO BANK, N.A.,  
20 and Defendant the LIFE INSURANCE  
21 ENDORSEMENT METHOD SPLIT DOLLAR  
PLAN

22 DATED: November 13, 2009

NEYART, ANDERSON, FLYNN, & GROSBOLL

23  
24 By: /s/ Mark H. Lipton  
25 Mark H. Lipton  
26 Attorneys for Plaintiff and Counter-Claimant  
27 LESLIE LANNA, and Cross-Defendants NICOLE  
28 LANNA and JAMIE LANNA

1 ("Catherine Lanna") have accepted service of the Answer;

2 WHEREAS, the Parties, in addition to Catherine Lanna, are currently engaged in  
3 discussions regarding the amendment of the Answer and complaint, and possible settlement, and  
4 they wish to have additional time to meet and confer in advance of the December 4, 2009 Case  
5 Management Conference regarding these issues;

6 WHEREAS, Catherine Lanna is currently represented by John P. Robertson II of the law  
7 firm of Jennings, Strouss and Salmon in Phoenix, Arizona;

8 WHEREAS, the undersigned are informed by Mr. Robertson that Catherine Lanna is  
9 currently undertaking efforts to retain counsel who is admitted to the bar of this Court;

10 IT IS THEREFORE STIPULATED by and between the Parties that the Court should  
11 continue the December 4, 2009 Case Management Conference to December 11, 2009 at 10:00  
12 a.m., or such other later date and time as may be convenient for the Court.

13 IT IS SO STIPULATED ON THE DATES INDICATED BELOW.

14 DATED: November 13, 2009

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

15

16

17

By: \_\_\_\_\_  
Christopher M. Ahearn  
Attorneys for Defendant, Counter-Claimant, and  
Cross-Claimant WELLS FARGO BANK, N.A.,  
and Defendant the LIFE INSURANCE  
ENDORSEMENT METHOD SPLIT DOLLAR  
PLAN

20

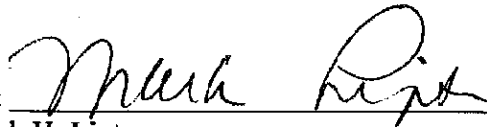
21

22 DATED: November 13, 2009

NEYART, ANDERSON, FLYNN, & GROSBOLL

23

24

By:   
Mark H. Lipton  
Attorneys for Plaintiff and Counter-Claimant  
LESLIE LANNA, and Cross-Defendants NICOLE  
LANNA and JAMIE LANNA

25

26

27

Stip\_to\_continue\_1  
2-4-

28

ATTESTATION PER GENERAL ORDER NO. 45.X.B.

Concurrence in the filing of this document has been obtained from each of the signatories listed above. Attested to on November 13, 2009 under penalty of perjury under the laws of the United States.

/s/ Christopher M. Ahearn  
Christopher M. Ahearn

**PROPOSED ORDER**

Having reviewed the foregoing Joint Stipulation by Leslie Lanna, Wells Fargo Bank, N.A., and the Life Insurance Endorsement Method Split Dollar Plan to Continue the 12-4-2009 Case Management Conference, and GOOD CAUSE APPEARING for the requested relief, it is hereby ORDERED that:

The Case Management Conference in this action currently scheduled for December 4, 2009 at 10:00 a.m. is continued to ~~December 11, 2009 at 10:00 a.m.~~ January 22, 2010 at 10:00 a.m.

**IT IS SO ORDERED**

Dated: November 17, 2009

